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08/999,106	12/29/97	BENNETT	8285/162

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ART UNIT	PAPER NUMBER
2736	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
08/999,106

Applicant(s)

BENNETT ET AL

Examiner

DARYL C. POPE

Group Art Unit  
2736



☒ Responsive to communication(s) filed on Oct 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 2-12, 14-34, and 36-50 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 2-12, 14-34, and 36-50 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### **ART REJECTION:**

2. The indicated allowability of claims 2-50 is withdrawn in view of the newly discovered reference(s) to Launey et al and Joao. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

3. **Claims 2,7,11-12,14,19,21-25,27-31, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Launey et al(5,086,385).**

-- In considering claim 2, the claimed subject matter that is met by Launey et al(Launey) includes:

1) the claimed home security controller is met by the central processor(10);

2) the claimed at least one security sensor is met by the home security sensor(38) which is one of the many sensors or devices whose output signals are connected to the central processor(10) for processing, as seen in figure 1;

3) the claimed home security server located remotely from the customer premises is met by the network file server(51), external terminals(52A-52C), and remote database(44);

4) the claimed access line is met by the bus(12) via the Ethernet network interface board(50, column 9, lines 54-64).

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5) the claimed home security server comprising a home security application operative to monitor at least one security sensor would have been met, since it would have been inherent that the remote database(44) and file server(51) would have included application that would have monitored all of the devices and sensors of Launey, including the home security system(38).

-- Claim 7 recites subject matter that was met as discussed in claim 2 above, as well as:

1) the claimed data network is met by Ethernet Network Interface(50).

-- Claim 11 recites subject matter that was met as discussed in claim 2 above, as well as:

1) the claimed telephone is met by the home telephone system(62);

2) the claimed user interface controller is met by the telephone interface(50).

-- Claim 12 recites subject matter that was met as discussed in claim 2 above, as well as:

1) the claimed personal computer is met by the keyboard(18).

Furthermore, it would have been inherent that the computer, controller, and access line would have been coupled with a multiplexer, since this device would have been necessary in order to interface the above stated devices so as to interact in the system.

-- Claim 14 recites subject matter that was met as discussed in claim 2 above, as well as:

1) the claimed alerting device is met by the electrical appliances or devices(31) which include alerting devices(see: column 8, lines 62-65).

-- In considering claim 19, the claimed subject matter that is met by Launey includes:

1) the claimed first means is met by the central processor(10);

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2) the claimed second means is met by the network file server(51), external terminals(52A-52C), and remote database(44).

-- In considering claim 21, the claimed subject matter that is met by Launey includes:

- 1) the claimed device control means is met by the process controller(26b);
- 2) the claimed first control means is met by the central processor(10);
- 3) the claimed second means is met by the parallel interface(24b).

-- In considering claim 22, the claimed subject matter that is met by Launey includes:

- 1) the claimed at least one security sensor is met by the home security sensor(38);
- 2) the claimed means for sending a signal is met by the central processor(10).

-- In considering claim 23, the claimed subject matter that is met by Launey includes:

- 1) the claimed display and input device coupled with the display is met by the touchscreens(16a,16b);
- 2) the claimed means for communicating is met by the bus(12).

-- In considering claim 24, the claimed subject matter that is met by Launey includes:

- 1) the claimed display, input device, and means for communicating are met by the touchscreen(16a,16b) and bus(12).

-- In considering claim 25, the claimed subject matter that is met by Launey includes:

- 1) the claimed sending a command and using the home automation controller to control the operation of loads are met by the network file server(51) or multiple external terminals(52A-

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52C) sending signals to the central processor(10) to command various devices(31,38,22,etc.) in the system of Launey.

-- Claim 27 recites subject matter that was met as discussed in claim 25 above(see: column 17, lines 24-39).

-- In considering claims 28-31, the claimed subject matter that is met by Launey includes:

1) the claimed sending a signal from the home security controller to a application located remotely from the premises, said signal indicating a triggered sensor is met by the central processor sending signals to the remote network file server(51) and multiple external terminals(52A-52C) when the home security system(38) and other sensors are activated;

2) the claimed home security application activating an alarm and that activation being automatically performed is met(see: column 23, lines 2-6).

-- In considering claims 33-34, the claimed subject matter that is met by Launey includes:

1) the claimed first and second computer readable program code are met by the software of the microprocessor based computer which utilized protocol to control various functions of the system(see: column 4, lines 9-33).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 3-6,8,15-18, and 36-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al.**

-- Claims 3-6,15-18, and 36-50 recite subject matter that was met as discussed in claim 2 above, except for:

- 1) the claimed first and second data over voice modems coupled to the access line;
- 2) the claimed premises gateway and digital subscriber line access multiplexer coupling the respective controller and server via the access line;
- 3) the claimed access line comprising voice and data channels.

Although the particular type of transceivers and access lines are not specifically disclosed in the system of Launey, it would have been obvious that various types of means for the transmission and intercommunication of data and commands would have been readily adaptable into the system of Launey(see: column 9, lines 54-64; column 21, lines 28-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a data over voice access line, first and second data modems, or a premises gateway and digital subscriber line access multiplexer into the system of Launey, since the examiner takes Official Notice that in the network communications art, the use of these means for transmitting data is well known due to their efficiency with regards to translating and routing signals to be distributed to various device connected in the network.

-- Claims 8 recite subject matter that was met as discussed in claim 7 above, except for:

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1) the claimed speech processing computational server coupled with the data network.

Since Launey already discloses that the system is controllable utilizing speech processing via the speech processor(58, column 10, lines 3-36), and as well since Launey allows external system to access and control the home automation system, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a speech processing computational server coupled with the data network into the system of Launey, since this would have allowed the external system to be able to access and control the home system of Launey with speech commands in the same manner as the in home speech processor(58).

**6. Claims 9-10,20,26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al as applied to claims 2 and 7 above, and further in view of Joao(5,917,405).**

-- Claim 9 recites subject matter that was met as discussed in claim 7 above, except for:

1) the claimed Internet service provider coupled with the data network.

Use of Internet service providers for controlling a home automation system is well known in the art. In related art, Joao shows a home automation system in which the an Internet service provider is utilized in order to allow access and control of a home automation system by a user via an external source(see: column 73, lines 1-12). Since the use of Internet service providers for controlling home automation systems is well known as seen by Joao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet service provider of Joao into the system of Launey, since Launey already desires remote control



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of the system via external means, and therefore incorporation of Internet access into the system would have provide a more versatile means of accessing and controlling the system by an authorized user of the system.

-- Claim 10 recites subject matter that was met as discussed in claim 2 above, except for:

1) the claimed server configured to be coupled with a central office.

Use of a central office being coupled to a server of an monitoring system is well known in the art. In related art, Joao shows a home automation and monitoring system in which control and monitoring of the system is performed by a central office(see: column 10, lines 9-21; column 74, lines 20-32). Since Launey desires monitoring and control of the system via external sources, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the central office of Joao into the system of Launey since this would have provided more comprehensive monitoring features to the system since persons other than the user would have been monitoring and/or controlling the system at all times, and thereby would have alerted and or controlled the system as desired upon alarm signals being activated(see: Joao, column 10, lines 9-21).

-- Claims 20,26, and 32 recite subject matter that was met as discussed in claim 10 above.

**REMARKS:**

***Response to Arguments***

7. Applicant's arguments with respect to claims 2-12,14-34, and 36-50 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 8:30 to 6:00. The examiner can also be reached on alternate Fridays from 8:30 to 5:00 since the examiner works on a flex-time schedule in which every other Friday is the examiner's day off.

**All interviews requested, whether personal or telephonic, are to be scheduled for times during the examiner's work hours between Tuesdays-Thursdays during the week in which the examiner has that Friday off. All other time periods requested will only be scheduled on an emergency basis.**

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Daryl C. Pope

Oct. 29, 1999

  
**DARYL POPE**  
**PATENT EXAMINER**  
**GROUP 2000-**  
2700